

The Rutherford Star.

“SEE SURE YOU ARE RIGHT AND THEN GO AHEAD.”—DAY'S COURIER.

VOL. II.

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NO. 33.

POETRY.

THE THREE TRAVELERS.

BY JOHN G. SEXTON.

Three travelers came on a time,
(As ancient story goes)
Together reached a country inn,
And sought a night's repose.

One was a judge of merry men,
His locks were gray,
The second was a parson grave,
The third, a Captain gay.

"Alack!" the civil host replied,
"You're welcome to my fare;
But, on my word, the 'Golden Swan'
Has but one bed to spare."

"In such a case it were but just,"
The weary travelers said,
"The landlord should himself decide,
Which one should have the bed."

"Well, be it so," mine host replied,
"To me it all the same
Now, gentlemen, I pray proceed—
Let each assert his claim."

"The Captain was the first to speak,
And by his sword he swore
That he had laid in garrison
A dozen years or more."

His honor then put in his claim,
"For twice as long as that
I've worn the ermine of a Judge,
And on the bench have sat."

The Parson said: "I serve the church,
In this my claim appears
That in the sacred ministry
I've stood for thirty years."

"The case is settled," said mine host,
"The Parson's right is best;
To lie or sit—in his very chair,
Affords a deal of rest."

"But one who like this worthy man,"
The laughing landlord said,
"Has stood (God help him) thirty years,
May fairly claim the bed!"

THE RIVAL LOVERS.

BY ALPHA DE KAPPA.

CHAPTER VI.

VARYING FORTUNES.

In a little gold miner's settlements, far up in the mountains of California, Eugene was sitting one quiet evening in September. Several times had he written to Ella since his arrival at this place, but not a line had he received in reply.

This evening he was sitting beneath a scrubby tree outside the busy camp; his only companion, an old hunter who came in on an occasional visit from the wild, unbroken interior, and who had formed a strange friendship for Eugene.

This evening Eugene was poor company for Whittier, (the old hunter). He felt discouraged and desponding. For several weeks he had had but little success in gathering the shiny dust, in truth, ill luck had attended him all the time, and very little of the wealth he had come out to accumulate, had been found. Sometimes he was almost ready to give up, and yield to Whittier's invitation to become his companion in his wild life, but hope and love had sustained him, and urged him on, and he still toiled in the mines.

The meditations of this silent pair were broken by the appearance of one of the miners, who had just returned from the nearest town, a group of log cabins, fifteen miles below, and who threw a letter in Eugene's lap, remarking with gruff friendship, that he hoped it was good news from the old land, and then retiring.

Eugene took up the little package and glanced at it.

His heart bounded tumultuously as he recognized Ella's handwriting on the envelope, and broke the seal in nervous haste.

Alas! Ella had never seen those delicately traced lines; but Eugene knew it not, and his brain reeled, and his blood almost ceased to flow as he read the cool cruel lines.

We will only make a few extracts—
"I am sorry, for your sake, that we ever met, but you must forget me. My husband very naturally objects to a private correspondence with you and I hope you will not write to me anymore. You can be happy without me. * * *

It was my duty to marry Mr. Pelham, and I do not regret it. He is all that I could wish, and we are very happy. If you really love me you will be glad to know I am happy. * * *

We expect to start on an extensive tour in a few months, perhaps will never return to this place. * * *

Your friend,
Ella Pelham.

If those who wrote this, seeking to give Eugene pain had seen him now, they would have been satisfied with their work. He crushed the paper in his trembling hands and murmured—

"I have lost her—lost her forever."
And then he sat silent and motionless with the letter clutched in his hand and his face rigid and expressionless save the expression of hopeless despair. For several minutes he did not think, his faculties were benumbed, suspended. But he was roused from this stupor by Whittier laying his hand gently on his head and saying softly—
"Bear it like a man. Others have borne what you now suffer."

"I cannot bear. I do not want to live. What have I to live for now?"

"Ah! nearly fifty years ago, when the hot blood of youth was running in my veins, I suffered all you now feel. I, like you, did not want to live, so I rushed out from the civilized world, hoping that death would soon carry me off. For years I worked in foreign mines; long before these were discovered. I gathered wealth, but there was none in the world to enjoy it with me; and so I came out here; and for years I have lived in the wilderness, surrounded by death in a thousand different forms, but still it flies from me. But the end cannot be far distant now; and I want a friend by me in my last hour, I will start back to the woods to-morrow. Will you go with me?"

Eugene scarcely heard his companion but he answered vaguely as one, dreaming. "I will go with you anywhere."

The next morning Eugene was partially himself again, not with the same buoyant hopes and bright prospects, but he had recovered his composure; and the miners knew not that any change had been wrought beneath that quiet exterior, and were surprised when he announced his intention of quitting the mines and joining Whittier in his dangerous and profitless hunting expeditions; some of them remarking that it was a fixed fact that those fellows whose hands were so white when they first came up never had, and never would, do any good.

If finding gold and making money, was doing good, Eugene did not wish to do any good. He did not care for the paltry trash, now that it could not serve a purpose with him, or purchase that happiness which he had so coveted. And he bade his fellow miners farewell, and plunged into the woods with Willis Whittier, feeling as monks have perhaps felt when, they entered their cloisters, to be ever after dead to the world and all therein.

No man, it matters not how wild and roving he may be, lives utterly destitute of a place he can call his home; and Willis Whittier, following the natural instinct of his fellow beings, had fitted up a little cave, which he had accidentally discovered far east of the mountains, over which civilization had not yet penetrated; a cave in the midst of wild beasts, and more dangerous, because more cunning Indian tribes; but a place admirably fitted up by nature, for both comfort and defence. And here Whittier had made his home. And here after many days of toilsome marching, Eugene Harrington and his companion arrived.

And in this dark abode, lighted only by a lamp of bears oil, they spent their nights, and many days when the weather was too cold, or stormy to go out. There was little evidence of the wealth of which Whittier had spoken, to be seen here. Though comfortable there was nothing luxurious or ornamental, and Eugene soon forgot his words.

Day after day—week after week, passed on; full of strange adventures, hair-breadth escapes and fierce fights with the savage beasts, and more, savage Indians. But nothing occurred, connected with the present story, sufficiently, to justify its narration here, until one mild day in January; on this day the two men had wandered far down into the plain, hunting for deer and were returning home, when they heard the cries of a pack of wolves approaching.

"Had we not better take a tree?" Eugene asked as they approached nearer.

"No, they are after something else. Some Indian I think, by the way they yelp; and as they are coming this way, he is close around here. So between the two evils let us choose the least and go farther on."

But just as they started, the slight form of an Indian girl bounded by them, and grasping the lower branches of a tree near by, ascended quickly out of reach of the wolves, which were now bearing down in full view.

Flight being now out of the question, the two men each selected a tree and put themselves out of immediate danger.

In a few minutes a score of hungry wolves surrounded them, and drawing their revolvers they commenced the fight. It was not the first time they had been

caught in such a predicament, and in less than an hour their assailants had vanished. They then descended from the trees, and prepared to return to their cave, when Whittier drew his revolver, and ordered the girl, who had taken refuge with them, to come down and accompany them. Eugene reasoned with him that it could be of no advantage to them whatever, to take her prisoner; but Whittier's blood was up, and he hated the whole race; so he carried his point and compelled the girl to accompany them.

It was night when they reached their home and Eugene threw himself upon his couch and soon appeared asleep.

Whittier tied his captive securely, and then retired also. An hour afterwards Eugene crept noiselessly up, and untying the cords that bound the girl, led her out and set her at liberty. For a moment she clasped his hand warmly in both her own and then bounded off down the hill Eugene watched her in the moonlight until she had disappeared in the distance and then crept softly back to his bed.

Whittier had intended making a slave of her perhaps.

At any rate, it was wrong to keep her from her own people, Eugene thought, and he risked Whittier's displeasure, and the probable attack of the friends of the girl as soon as she returned to them. But though Whittier was enraged, the next morning, when he found that his captive had escaped, he did not once suspect that Eugene had aided her in the escape; and as the days wore on and no Indians came Eugene hoped that he would also escape that danger.

But Whittier was gloomy and downcast and constantly predicted evil. "The Indians now know their abode," he said, "and would pounce upon them when they least expected it."

One morning, about a week after this incident had occurred, the anticipated disaster came. Eugene and Whittier were sitting beneath a tree, near their cave, when they discovered a body of Indians rapidly approaching. They had only time to escape into the cave and barricade the entrance before the warriors were upon them. After a short conflict, in which several of their party were killed, the Indians fell back. The fortress was too strong to attempt storming it again, so they resolved to starve out the defenders.

And now commenced a weary siege. Eugene and his companion had food prepared, for weeks to come but their supply of water was small, and daily grew less, until it failed. The Indians outside showed no signs of weariness, and at last, worn out with thirst they found that they must escape or die.

The succeeding night was fixed upon for making the attempt to escape and they prepared their arms carefully; and then sat down to await the approach of darkness.

"I feel that my last hour is coming at last," Whittier said, as they sat together. "We may escape," Eugene answered hopefully, "It is not the first time you have faced danger and you have escaped so far."

"It was wrong, very wrong in me to take that girl captive," Whittier said slowly, as if to himself. "But it cannot be undone and we must bear whatever it leads to. Come with me," he said to Eugene suddenly, and rising to his feet.

Eugene followed him back to the farther end of the cave. When he reached it, he paused a moment and then removed with some difficulty a large stone revealing to Eugene's surprise, a narrow passage. Into it he crept, carrying the lamp with him, and bidding Eugene follow him.

They went a few yards and entered a small room. In this room there was a coffin—nothing else. Pausing beside it, Whittier said—
"This coffin contains immense wealth. Should I be killed, and you by any good fortune escape, I want you to bury me here. Place me in that coffin when you remove the contents, and place the stone back at the entrance as you saw it before we entered, and then what has been no pleasure to me will be yours; and may you live to enjoy it; and to make others happy with it."

Then they returned to the outer room of the cave and completed their preparations, to escape.

It was ten o'clock, and all was dark and silent without. Taking a revolver in each hand Whittier crept cautiously out, Eugene followed similarly around.

It was so dark outside that Eugene could distinguish nothing. He was groping noiselessly onward when he was suddenly seized around the waist and thrown violently to the ground. The

next moment he heard the sharp report of Whittier's revolver. Again and again it broke the stillness. Eugene endeavored to rise but he was washed to the ground, as with a giant's strength; so that he could do nothing but lie and listen at the noise of the struggle going on near by.

At last the firing suddenly ceased, and a yell of triumph from the Indians announced that Whittier had fallen.

The savages now entered the cave and took possession of all that could possibly be carried off. When they emerged one of them bore the lamp which had lighted the cave during those long days of confinement. They now gathered around Eugene and stripped him of his arms and most of his clothing. Then ordering him to rise, they fastened a long strip of raw buffalo hide to each of his wrists, and a stout warrior holding to the other ends of the cords, they commenced their march down into the plains immediately.

They left Whittier's body where it had fallen. Whether they were afraid of an avenging party; or only overjoyed at being able to carry back a living prisoner, would be hard to say, but for some reason he was not mutilated.

After a three days march they arrived at the central village of their tribe. Here Eugene was confined in a cabin built of old logs, until the whole tribe, and the chiefs from the friendly tribes surrounding, could be gathered together.

On the second day after his arrival Eugene saw, from an opening between the logs of his prison, the troop assemble. With great ceremony they came and conducted him into the midst of the troop, where a seat was prepared for him. Then the different chiefs spent several hours in haranguing the crowd. Eugene knew that it was concerning his fate, but he understood not a word they said.

And there was not one in that assembly to plead his cause—not one. And then he thought of the girl he had befriended and looked over the crowd for her. Yes. There she sat beside one of the chiefs—probably her father.

But she said nothing. She was looking at him, as were all others, when he recognized her, and she smiled when their eyes met. That was all.

When the mad eloquence of the dusky orators was hushed, Eugene saw by the faces of those around him and by the preparations that were being made, that his doom was fixed.

Having fixed a stake securely in the ground one of the chiefs approached him and in broken English accompanied by signs, gave him to understand that he would be burnt to death at sunrise the next morning. They then carried him back to his prison, placing a guard around it.

The long night was wearing slowly away. Eugene reviewed his past life, and his present situation, and thought with horror of his approaching fate.

There was no escape. Hundreds of miles lay between him and any one he could call a friend. He thought of Whittier, sitting alone far up among the hills, and he murmured because he was not allowed to fall that night by his side and thus escape this fiery doom.

And then memory brought up the past, and carried him back to the old ivy covered walls and giant trees of Mason Hall, again he seemed to sit beside Ella beneath the rose tree in the garden, and listen to her words—"Let us hope for the best. Time will make everything right."

Alas! false, miserable prophecy! She was happy now; sleeping sweetly in her old home in the mountains of Carolina; while he—a few hours more and he would pass from earth and she would never know, and never care when, or how.

He looked out through the narrow window of his prison, far out over the eastern plain, and thought he saw the first streaks of approaching day, though it was but a little past midnight. But that plain—How limitless it looked. Ella was far, far beyond the eastern boundary of it; yes thousands of miles. And she would never know!

He was roused from these half-dreaming thoughts by a touch upon his arm. Did they grudge him even the remaining hour and had they come for him now; was his first thought, and he started violently.

"Do not fear it is only the Evening Star," a voice whispered softly in bad English and Spanish combined; and Eugene recognized the maiden Whittier had taken captive.

A moment more and his hands and feet were free from the thongs and he crept noiselessly out after her. The guard was asleep at his post and was passed without difficulty, and together they stole out of the village. A few yards further on they

came to an Indian horse, tied, and awaiting them.

"Take it, go, and be free," the maiden said pointing to the horse.

"Then good bye, gentle Evening Star. Will they not be angry and punish you?" he asked suddenly. "No one will know it. The guard sleeps," She answered significantly.

For a moment Eugene clasped the faithful girl to his heart. Then mounting the horse he was soon flying westward over the plain.

To be Continued.

LEGISLATIVE.

AN ACT.

IN RELATION TO THE POWERS AND DUTIES OF CLERKS OF SUPERIOR COURTS.

The General Assembly of North Carolina do enact:

SECTION 1. That as this act will be incorporated in the general act respecting the practice and procedure of the courts, required to be reported to the General Assembly at its present session, by the commissioners appointed for that purpose, it will be printed in that general act and not elsewhere among the acts of this General Assembly, unless otherwise hereafter directed.

SEC. 2. The Secretary of State is required to have the third section of this act, and that portion relating to the Superior Court Clerks, printed at least weekly in four papers published in this State, and the sum necessary for that purpose is hereby appropriated from any moneys in the Treasury not otherwise appropriated.

SEC. 3. The terms of the several Superior Courts of this State shall begin in each year at the times hereinafter stated, and shall continue to be held for two weeks (Sundays and legal holidays excepted) unless the business shall be sooner disposed of.

FIRST JUDICIAL DISTRICT.

Bertie county first Monday in March and October.

Herford, third Monday in March and October.

Gates, fourth Monday after the first Monday in March and October.

Chowan, sixth Monday after the first Monday in March and October.

Perquimans, eighth Monday after the first Monday in March and October.

Pasquotank, tenth Monday after the first Monday in March and October.

Camden, twelfth Monday after the first Monday in March and October.

Currituck, fourteenth Monday after the first Monday in March and October.

SECOND JUDICIAL DISTRICT.

Tyrrell county the first Monday in September and February.

Washington, third Monday in September and February.

Martin, second Monday after the third Monday in September and February.

Hyde, fourth Monday after the third Monday in September and February.

Beaufort, sixth Monday after the third Monday in September and February.

Pitt, eighth Monday after the third Monday in September and February.

Edgecombe, tenth Monday after the third Monday in September and February.

THIRD JUDICIAL DISTRICT.

Wayne county the first Monday in September and February.

Jones, third Monday in September and February.

Onslow, first Monday after the fourth Monday in September and February.

Craven, third Monday after the fourth Monday in September and February.

Lenoir, fifth Monday after the fourth Monday in September and February.

Greene, seventh Monday after the fourth Monday in September and February.

Carteret, ninth Monday after the fourth Monday in September and February.

Wilson, eleventh Monday after the fourth Monday in September and February.

FOURTH JUDICIAL DISTRICT.

Robeson county on the fourth Monday in August and February.

Bladen, second Monday after the fourth Monday in August and February.

Columbus, fourth Monday after the fourth Monday in August and February.

SIXTH JUDICIAL DISTRICT.

Granville county second Monday in August and February.

Warren, second Monday after the second Monday in August and February.

Franklin, fourth Monday after the second Monday in August and February.

Johnston, sixth Monday after the second Monday in August and February.

Wake, eighth Monday after the second Monday in August and February.

Nash, tenth Monday after the second Monday in August and February.

Halifax, twelfth Monday after the second Monday in August and February.

Northampton, fourteenth Monday after the second Monday in August and February.

SEVENTH JUDICIAL DISTRICT.

Guilford County, the first Monday in March and September.

Rockingham, the second Monday after the first Monday in March and September.

Caswell, fourth Monday after the first Monday in March and September.

Person, sixth Monday after the first Monday in March and September.

Orange, eighth Monday after the first Monday in March and September.

Chatham, tenth Monday after the first Monday in March and September.

Randolph, twelfth Monday after the first Monday in March and September.

Alamance, fourteenth Monday after the first Monday in March and September.

EIGHTH JUDICIAL DISTRICT.

Davie County, the first Monday in April and September.

Rowan, third Monday in April and September.

Davidson, second Monday after the third Monday in April and September.

Forsythe, fourth Monday after the third Monday in April and September.

Stokes, sixth Monday after the third Monday in April and September.

Surry, eighth Monday after the third Monday in April and September.

Yadkin, tenth Monday after the third Monday in April and September.

NINTH JUDICIAL DISTRICT.

Polk County, the first Monday in March and September.

Rutherford, third Monday in March and September.

Cleveland, second Monday after the third Monday in March and September.

Lincoln, fourth Monday after third Monday in March and September.

Gaston, sixth Monday after the third Monday in March and September.

Meklenburg, eighth Monday after the third Monday in March and September.

Cabarrus, tenth Monday after the third Monday in March and September.

TENTH JUDICIAL DISTRICT.

Catawba County, first Monday in March and September.

Alexander, third Monday in March and September.

Iredell, second Monday after the third Monday in March and September.

Wilkes, fourth Monday after the third Monday in March and September.

Caldwell, sixth Monday after the third Monday in March and September.

his hands by virtue or color of his office, and shall diligently preserve and take care of all books, records, and property which have come or may come into his possession, by virtue or color of his office, and shall in all things faithfully perform the duties of his office, as they are or hereafter may be prescribed by law.

BOND—HOW APPROVED, &c.

SEC. 2. The approval of said bonds by the commissioners, or a majority of them, shall be recorded by their clerk, any commissioner dissenting may cause his dissent to be entered on record. Any commissioner approving a bond which he knows or believes to be insufficient, shall personally be liable as if he was a surety therefor. The said bond acknowledged by the parties thereto, or proved by a subscribing witness, before the clerk of said commissioners, at their presiding office, registered in the office of the register of the county, in a separate book to be kept by him for the registration of official bonds, and the original with the approval thereof endorsed, deposited with the register for safe keeping. The like remedies shall be had upon said bonds as are or may be given by law on official bonds.

QUALIFICATION OF CLERKS.

SEC. 3. Every Clerk of the Superior Court before entering on the duties of his office, shall take and subscribe before some officer authorized by law to administer an oath, the oaths prescribed by law, and file the same with the Register of Deeds for the county.

FAILURE TO GIVE BOND.

SEC. 4. In case any clerk shall fail to give bond and qualify as above directed, the chairman of the county commissioners of his county shall immediately inform the Judge of the judicial district thereof, who shall thereupon declare the office vacant, and fill the same, and the appointee shall give bond and qualify as above directed.

OFFICES—WHERE TO BE KEPT.

SEC. 5. He shall have an office in the courthouse, or other place provided by the county commissioners, in the county town of his county. He shall give due attendance, in person or by deputy, at his office, daily, (Sundays and legal holidays excepted), from nine o'clock, A. M., to three o'clock, P. M., and longer when necessary for the dispatch of business.

TO RECEIVE OFFICIAL PAPERS, &c.

SEC. 6. Immediately after he [a] shall have given bond and qualified as aforesaid, he shall receive from the late Clerk of the County and Superior Courts, and Clerk and Master of Court of the Equity of the county all records, books, papers, money and property of their respective offices, and give receipts for the same; and if any such late clerk, or clerks and master, shall refuse or fail within a reasonable time after demand to deliver such records, books, papers, money and property, they shall be respectively liable on their official bonds for the value thereof, and be held guilty of a misdemeanor.

TO KEEP RECORDS, &c.

SEC. 7. He shall keep in bound volumes a complete and faithful record of all his official acts, and give copies thereof to all persons desiring them, on payment of the legal fees.

BOOKS TO BE KEPT BY THE CLERKS.

SEC. 8. The clerk shall keep the following books:

1. A docket of all writs of summons, or other original process issued by him, or returned to his office. This docket shall contain a brief note of every proceeding, whatever, in each action, up to the final judgment inclusive.

2. An Execution Docket, in which the substance of the judgment shall be recorded, and every proceeding subsequent thereto noted, with an alphabetical index.

3. A Docket of all issues of fact joined upon the pleadings and other matters, triable before a jury, and of all other matters for hearing before the Judges at regular term of the Court, a copy of which shall be furnished to the Judge at the commencement of each term.

4. An alphabetical index according to the names of the plaintiffs, of all final judgments in civil action, rendered in the court, with the dates and numbers thereof.

5. A Docket of all criminal actions, containing a note of every proceeding in each, by whom the books are to be furnished.

SEC. 9. The books specified in the above section shall be supplied to the clerks of the several counties by the secretary of State, at the expense of the State, and the Secretary shall, as soon as possible, transmit an account thereof to the chairman of the County Commissioners, in order that the price may be levied in the county taxes, and also the Auditor of public accounts, who shall add the same to the taxes of the respective counties, and receive an account for it for other taxes. The commissioners for any county failing to cause such sum to be levied with other county taxes, shall be guilty of a misdemeanor.

PAPERS IN EACH ACTION TO BE KEPT SEPARATE.

SEC. 10. The clerk shall keep the papers in each action in a separate roll or bundle, and at its termination attach together, properly labeled, and file them in order of the date of the final judgment.

OF THE QUALIFICATIONS AND GENERAL DUTIES OF CLERKS OF THE SUPERIOR COURTS.

SEC. 1. At the first meeting of the county commissioners of each county after the election or appointment of any Clerk of a Superior Court, it shall be the duty of the clerk to deliver to such commissioners a bond, with sufficient sureties, to be approved by them, as is now required by the law, payable to the State of North Carolina, and with a condition to be void if he shall account for any (and) pay over according to law all moneys and effects which have or may come into

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